

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:)
)
SAEID SHAFIZADEH)
)
COMPLAINANT)
)
v.)
)
CINGULAR WIRELESS-KENTUCKY)
)
DEFENDANT)

CASE NO.: 2003-00400

JUL 16 2004
PUBLIC SERVICE
COMMISSION

COMPLAINANT'S ANSWERS TO CINGULAR WIRELESS-KENTUCKY'S
SUPPLEMENT TO ITS INITIAL REQUEST FOR PRODUCTION OF
DOCUMENTS AND INTERROGATORIES.

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Complainant, Saeid Shafizadeh, hereby submits his supplemental answers to the Cingular Wireless-Kentucky's ("Cingular") supplement to its initial interrogatories and request for production of documents.

GENERAL OBJECTIONS

1. Complainant objects to all interrogatories and request for production of documents to the extent that they call for disclosure of matters not within the scope of the Commission's jurisdiction, and the disclosure of information or the production of documents that are confidential, private, protected by any applicable privilege or are beyond the scope of Kentucky Rules of Civil Procedure.

2. No response shall be construed as an admission to the existence, relevance, admissibility or authenticity of any document, or the admission of any fact or allegation

contained in any request.

3. These General Objections apply to each Answer/Response below as if fully set forth in that Answer/Response.

SUPPLEMENTAL INTERROGATORIES

SUPPLEMENTAL INTERROGATORY NO. 1: Please state the names and addresses of all persons assisting in the preparation of the answers to these interrogatories and indicate which persons answered which interrogatories.

SUPPLEMENTAL RESPONSE NO. 1: Complainant objects to this interrogatory on the grounds that it violates the provisions of the Kentucky Rules of Civil Procedure, CR 33.01(3), as it exceeds the maximum number of interrogatories permitted including the subparts. Subject to and without waiving that objection, complainant responds as follows; Saeid Shafizadeh, P.O. Box 21244, Louisville, Kentucky 40221`-0244, provided all responses.

SUPPLEMENTAL INTERROGATORY NO. 2: Please indicate whether any conversations between the Complainant and any Cingular representatives, employees, or agents were taped or otherwise recorded by or on behalf of the Complainant or an agent of the Complainant, and if so, for each such conversation (1) identify the date of the taped conversation, (2) the name of the person recording the conversation, (3) the name of the persons recorded or taped, (4) whether a written transcription or summary of the conversation exists, (5) whether the original tape or recording exists, and if so, the name, address and telephone number of the person in possession of that recording, and (6) indicate whether permission to tape or record the conversation was requested and, if so, whether such permission was granted.

SUPPLEMENTAL RESPONSE NO. 2: Complainant objects to this interrogatory on

the grounds that it violates the provisions of the Kentucky Rules of Civil Procedure, CR 33.01(3), as it exceeds the maximum number of interrogatories permitted including the subparts. Subject to and without waiving that objection, complainant responds as follows; there were at least three recordings, one of which is preserved for impeachment purposes and therefore, not subject to disclosure. The other two recordings may still exist, the recordings were made by the complainant; no written transcriptions were made; the recordings are the property of and in custody of Pars International Corporation located at 509 Cheyenne Avenue, Louisville, Kentucky 40209, telephone (502)363-0000. Although under the circumstances of the subject recordings, permissions to record were not required under either federal or the Kentucky law, permission(s) to record was clearly sought and granted when the law and/or any other applicable rule may have imposed that obligation.

SUPPLEMENTAL INTERROGATORY NO. 3: Please describe in detail and with particularity the circumstances concerning the mailing or other transmission of the check dated July 8, 2003 and numbered 5592 in the amount of \$55.46 which is alleged to have been tendered in payment of the charges at issue in this proceeding, including, without limitation, (a) the name, address and telephone number of the person who made out the check, (b) the date the check was prepared, (c) the date the check was mailed, (d) the name, telephone number, and address of the person who mailed the check, (e) the location where the check was deposited into the mail, (f) the address to which it was mailed, (g) the name of the signatory of the check, (h) the account on which the check was drawn, (i) the holder of the account on which the check was drawn, (j) a description of the check (e.g., preprinted or computer generated) and any modifications to the

check numbers encoded or otherwise printed or written on the check, (k) indicate whether any coupons, billing statement or other materials were included with the check when mailed, and if so, identify those materials, (l) a description of the envelope in which the check was mailed, and (m) identify any and all persons who handled the check prior to mailing other than those identified above and identify what those persons did with the check and indicate the status of the check at that time (e.g., whether it was in an envelope, whether the envelope was sealed, whether the check was completed).

SUPPLEMENTAL RESPONSE NO. 3: Complainant objects to this interrogatory on the grounds that it violates the provisions of the Kentucky Rules of Civil Procedure, CR33.01(3) as it exceeds the maximum number of interrogatories permitted including the subparts. Subject to and without waiving that objection, complainant responds as follows; the check was made by the Complainant Saeid Shafizadeh, P.O. Box 21244, Louisville, Kentucky 40221-0244, telephone (502)363-0000. Exhibits 6 and 7 to the Complaint show that the check was made on July 8, 2003 and in all likelihood was mailed the same day by the Complainant. The subject exhibits provide most of the information sought by this interrogatory. The location of mail deposit was the Airport Post Office in Louisville Kentucky. Complainant has paid all Cingular bills using the preprinted payment stub furnished by Cingular at the lower part of the page one of the statement that includes the preprinted mailing address where the payment should be sent, using the window envelopes also provided by Cingular. The complainant has signed the check, and no other person in Complainant's office handled the check.

SUPPLEMENTAL REQUESTS FOR PRODUCTION OF DOCUMENTS

SUPPLEMENTAL REQUEST NO. 1: If the response to Supplemental Interrogatory No. 2 above is in the affirmative, please make available the original tapes or recordings referenced therein and please provide a copy of any written transcripts or summaries thereof.

SUPPLEMENTAL RESPONSE NO. 1: see Supplemental Response to Supplemental Interrogatory No. 2.

SUPPLEMENTAL REQUEST NO. 2: Please provide a copy of any and all documentary evidence which supports your response to Supplemental Interrogatory No. 3 above.


SUPPLEMENTAL RESPONSE NO. 1: see Exhibits 3, 4, 6 and 7 of the Complaint.

SUPPLEMENTAL REQUEST NO. 3: Please provide copies of any and all notes of the Complainant's conversations or other communications with any Cingular representatives, employees, or agents.

SUPPLEMENTAL RESPONSE NO. 3: Complainant objects to this request to the extent it requests documents protected by the attorney-client or work product privileges. Additionally, the subject notes are written on the pages of the daily desk calender that is the property of Pars International Corporation.

In accordance with Title 28 United States Code (U.S.C.) §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

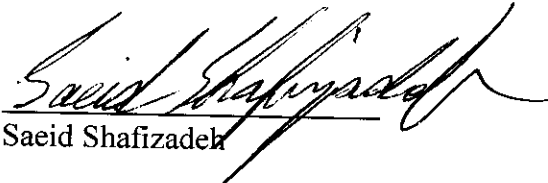
Respectfully Submitted,

 Aug-14-04

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading was served in U.S. Mail with First Class postage prepaid on this August 14, 2004, addressed to:

Jeffrey J. Yost
Mary Elizabeth Naumann
Jackson Kelly PLLC
175 East Main Street, Suite 500
Lexington, Kentucky 40507


Saeid Shafizadeh